IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.723 OF 2006

IN

APPEAL FROM ORDER NO.523 OF 2006

IN

NOTICE OF MOTION NO.4178 OF 2005

IN

L.C.SUIT NO.4626 OF 2005

WITH

CIVIL APPLICATION NO.660 OF 2006

Smt.Khatun Nisha ...Applicant

Versus

Mohd.Kayyum Khan & Ors. ...Respondents

.....

Mr.Pratap Singh with Mr.Sanjay Kumar for Applicant.

Ms.Jamila Shaikh for Respondent No.1.

Mr.Jagannathan V. i/b Mr.Nitin Nikam for Respondent No.3.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 1, 2006.

P.C.

1. For the reasons recorded in this

Application, although the Application is opposed by the Respondents, in the interest of justice, as sufficient cause is made out and the litigant should not suffer for the mistake of the advocate, Application allowed in terms of prayer clause (a).

2. It is made clear that this order will not preclude the Respondents from arguing in the main Appeal that nothing survives for consideration in the said Appeal, as the relief claimed by the Appellant is already worked out.

3. Appeal be processed and listed as per its turn for admission.

A.M.KHANWILKAR, J.